



## TOWN MEETING

**ARTICLE: 31**

**MOTION: 1**

That the Town vote to amend SECTION XVID. LARGE HOUSE REVIEW. of the Zoning Bylaw, to be effective July 1, 2010, to clarify the calculation methodology, exemptions, procedures, standards for review, rules and regulations, and appeals, as follows:

by deleting the word “plan” after the words “pre-construction and post-construction” within A. PURPOSE, so the paragraph will read as follows:

**A. PURPOSE**

This Section is adopted by the Town to provide pre-construction and post-construction review of single family dwellings which meet the applicability standards set forth below.

by altering the definition of Total Living Area plus Garage Space to clarify calculations by striking B. DEFINITIONS (i) “all finished area above ground calculated by using the outside measurements of the dwelling expressed in square feet and in accordance with the methodology used by the Board of Assessors” and replacing with “The sum of the horizontal area(s) of the above-grade floors, including portions of attics, in the residential building(s) on a lot, measured from the exterior face of the exterior walls”; and by adding a new (ii) to read “Area(s) of attic(s) measured from the floor to the interior roofline if 7 ft. or greater in height, and 5 ft. or greater in height on a sloped interior roofline; and”; and by renumbering the remaining section; and by striking the word “space” after “Garage” in (ii) and by replacing the word “buildings” after the word “storage” in (ii) with the word “space”; and by adding the words “, whether in principal or accessory structures,” after the word “space”; and by adding at the end of the Section the words “Calculations shall be determined in accordance with the Rules and Regulations adopted by the Planning Board.”, so the paragraph will read as follows:

**B. DEFINITIONS**

Total Living Area plus Garage Space - This term includes:

- (i) The sum of the horizontal area(s) of the above-grade floors, including portions of attics, in the residential building(s) on a lot, measured from the exterior face of the exterior walls; and
- (ii) Area(s) of attic(s) measured from the floor to the interior roofline if 7 ft. or greater in height, and 5 ft. or greater in height on a sloped interior roofline; and
- (iii) Garage and storage space, whether in principal or accessory structures, in excess of 600 sq. ft.; and
- (iv) Basement areas multiplied by a fraction, the numerator of which is the external above ground surface of basement walls and the denominator of which is the total surface (both above and below ground) of external basement walls, provided that if such fraction is less than .25, than the basement areas shall not be included.

Calculations shall be determined in accordance with the Rules and Regulations adopted by the Planning Board.

and by modifying the exemptions of C. APPLICABILITY by striking “this section shall not apply to” and replacing with “the following are exempt from Planning Board review”; and by capitalizing “changes” at the beginning of “1.”; and by capitalizing “the” at the beginning of “2.”; and by striking “and” at the end of “1.”; and by adding two new exemptions: “3. Attics that are determined by the Building Inspector to remain unfinished in perpetuity due to the slope or construction of the roof; and” and “4. The completion or finishing of attics in existing structures where there are no exterior alterations or changes.”, so the new exemptions will read as follows:

Notwithstanding the foregoing, the following are exempt from Planning Board review:

- 1. Changes to non-conforming single-family dwellings which are subject to a Finding in accordance with Section 6 of Chapter 40A M.G.L and SECTION XVII. PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS., of this Zoning Bylaw;
- 2. The reconstruction of pre-existing, non-conforming buildings, damaged or destroyed by accidental cause, including fire, or otherwise damaged or destroyed without the consent of the owner, in accordance with SECTION XVII. PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS., C. DISASTER REBUILD;
- 3. Attics that are determined by the Building Inspector to remain unfinished in perpetuity due to the slope or construction of the roof; and
- 4. The completion or finishing of attics in existing structures where there are no exterior alterations or changes.

and in Section D. PROCEDURE 1. General by adding “required” after the words “shall submit the”; and by adding the words “, including plans indicating the delineation of the

neighborhood, existing and proposed site conditions, photographs, topography, building elevations, proposed grading and landscape design” after the word “information”; and by striking the word “below” before the words “to the Planning Board” and replacing with “in the Rules and Regulations”; and by striking “and the Design Review Board” after the words “Planning Board”; and by adding “the” before the words “issuance of a building permit”; and by striking from D. PROCEDURE Section 2. Submission of Plans. and renumbering the remainder of the Section; and by adding to 3. Waivers. the words “certain application and review” after the words “waive strict compliance with” and by striking the word “the” before “requirements contained in this Section”; and by striking the word “his” before “application until after meeting” and replacing with “an”; and by striking from 4. Review and Timing. the words “not fewer than 21 days” before the words “after receipt of the submission” and by adding the words “at least 10 days prior to the public meeting” after the words “on the most recent applicable tax list” and by striking “Chairs of each” after “oral comments will be considered only at the discretion of the” and by inserting “Planning”; and by adding in 5. Approval. the words “and other applicable Boards and Departments,” before the words “and all other materials”; and by adding in 6. Issuance of Building Permit and Certificate of Occupancy. the words “and is filed at the Registry of Deeds” after “The Building Inspector shall not issue a building permit unless and until the project is approved by the Planning Board or is deemed approved in accordance with this Section”; and by adding a new provision for revisions and amendments to be titled 6. Revision and Amendment of Plans., so the Section will read as follows:

#### D. PROCEDURE

1. General. Any applicant for a single family residential dwelling which is subject to this Section shall submit the required information, including plans indicating the delineation of the neighborhood, existing and proposed site conditions, photographs, topography, building elevations, and proposed grading and landscape design described in the Rules and Regulations to the Planning Board through the Planning Director and shall not be entitled to the issuance of a building permit unless and until the dwelling is approved in accordance with this Section.
2. Waivers. The Planning Board may, in any particular case where it determines such action to be consistent with the purpose and intent of the Zoning Bylaw and otherwise in the public interest, waive strict compliance with certain application and review requirements contained in this Section and with the Rules and Regulations adopted by it under this Section if it finds that the proposed construction, or certain aspects of the construction are de minimus based on the Standards and Criteria contained in Part E of this Section. Waiver requests must be made in writing and shall be addressed in a preliminary meeting between the Planning Board and the prospective applicant, held not later than 21 days after receipt of the waiver request. An applicant who makes a waiver request shall not submit an application until after meeting with the Planning Board on the waiver request.
3. Review and Timing. The Planning Board and Design Review Board shall each meet separately with the applicant to discuss the applicability of the Standards and Criteria set forth in Part E of this Section after receipt of the

submission to discuss the project. Although a public hearing is not required, notice of the Planning Board meeting shall be sent by mail, postage prepaid, to the abutters and abutters to the abutters within 300 feet of the property line of the applicant, as they appear on the most recent applicable tax list at least 10 days prior to the public meeting. Owners of land directly opposite the applicant on any public or private street or way shall be considered abutters under this Section. Written comments from abutters will be received and considered, and oral comments will be considered only at the discretion of the Planning Board. The Design Review Board shall prepare comments and recommendations as it deems appropriate and shall submit these to the Planning Board. The Planning Board shall prepare its decision and provide it to the applicant within 90 days of the submission as well as to the Building Inspector and Zoning Board of Appeals as may be appropriate. The Planning Board may seek the recommendations of other Town Departments depending on the nature of the application. If the Planning Board has not issued its decision within 90 days of receipt of the submission from the applicant, the project, as described in the submission, shall be deemed approved. The 90-day time limit may be extended by written agreement between the Planning Board and the applicant, signed by, or on behalf of, the applicant.

4. Approval. The Planning Board shall determine whether the Standards and Criteria for Review set forth below have been satisfied. In reaching its decision, the Planning Board shall consider the recommendations of the Design Review Board and other applicable Boards and Departments, and all other materials submitted to the Planning Board. If the Planning Board finds that the Standards and Criteria for Review have been satisfied, it shall approve the project as set forth in the submissions, provided that it may approve the project subject to conditions or plan modifications specified by the Planning Board in writing. A construction mitigation plan may be required if the site warrants erosion and sedimentation control measures. If the Planning Board finds that the Standards and Criteria for Review have not been satisfied, it shall disapprove the project, and shall state in writing the basis for its decision.
5. Issuance of Building Permit and Certificate of Occupancy. The Building Inspector shall not issue a building permit unless and until the project is approved by the Planning Board or is deemed approved in accordance with this Section and is filed at the Registry of Deeds. The Building Inspector shall verify compliance with all required conditions or plan modifications prior to the issuance of a Certificate of Occupancy. The Building Inspector shall inform the Planning Director and the applicant of any failure to comply with conditions of plan approval or plan modifications pursuant to this section.
6. Revision and Amendment of Plans. Any revision, amendment or new information relating to an LHR application shall be considered as follows:
  - a. Pending LHR Applications. Revisions or amendments relating to a pending LHR application that is before the Planning Board for review shall be accepted by the Planning Board as part of the original submission.

- b. Previously Approved LHR Applications. Revisions or amendments to an LHR Application that has previously been approved by the Planning Board must be submitted to the Planning Director who shall make a determination as to whether the revisions are major or minor and shall be processed as follows:
- i. Minor. If the Planning Director determines the proposed revisions or amendments to be minor, he or she shall determine the consistency of the revisions with the Planning Board's previous findings and the Standards and Criteria for Review, and either approve or deny the revisions accordingly. If denied, the Planning Director shall notify the applicant and Planning Board within five (5) business days of the applicant's submittal of such revisions. The applicant may submit denied minor revisions to the Planning Board for their consideration; the Board shall either accept or reject the proposed revisions as part of the approved LHR application.
  - ii. Major. If the Planning Director determines the proposed revisions or amendments to be major, the Director shall notify the applicant and Planning Board within five (5) business days of the applicant's submittal to such revisions. The applicant may then submit the proposed revisions to the Planning Board, which shall either accept or reject the proposed revisions as part of the approved LHR application.

and by adding to Section E. STANDARDS AND CRITERIA FOR REVIEW 1.

Preservation of Landscape. the words "use of wetlands, floodplains, hilltops," before the words "any grade changes and vegetation", and by striking the last sentence which reads "Management of storm water shall be provided so as to minimize the impact on Town streets and abutting properties.", so the section will read as follows:

1. Preservation of Landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing use of wetlands, flood plains, hilltops, any grade changes and vegetation and soil removal. Unique natural areas, topographic features such as ledge outcrops, significant trees and landscaping, and historic features shall be saved or enhanced insofar as practicable.

and by amending Section E. STANDARDS AND CRITERIA FOR REVIEW by adding a new criteria for "Drainage" and by renumbering the remaining section, to read as follows:

5. Drainage. The development shall incorporate measures that are adequate to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased rates of runoff, and minimize potential for flooding. Drainage shall be designed so that groundwater recharge is maximized, and so that the rate of runoff shall not be increased at the project boundaries.

and by amending Section G. RULES AND REGULATIONS by inserting the words “, and shall file a copy of said rules in the office of the Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of plans and specifications, and the procedure for the submission and approval of such review” after the words “to the plan approval process under this section”, so the Section will read as follows:

G. RULES AND REGULATIONS

The Planning Board may promulgate or amend Rules and Regulations which pertain to the plan approval process under this Section, and shall file a copy of said rules in the office of the Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of plans and specifications, and the procedure for the submission and approval of such review so long as the Rules and Regulations conform to this SECTION XVII. LARGE HOUSE REVIEW of the Zoning By-law. The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

and by adding to Section H. APPEALS the words “Planning Board’s approval, denial,” after the words “An applicant, or any person receiving notice under Paragraph D., 4. above, may appeal the”, so the Section will read as follows:

H. APPEALS

An applicant, or any person receiving notice under paragraph D., 4. above, may appeal the Planning Board’s approval, denial, conditions or plan modifications to the Zoning Board of Appeals in accordance with SECTION XXIV. PERMIT GRANTING AUTHORITY.

Approved:

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Date

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Moderator’s Signature

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Sponsor’s Signature